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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,
10
11 Plaintiff,

Case No. CR05-234-RSL

12 v.

13 RODGER JEROME NELSON,
14
15 Defendant.

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

16
17 **INTRODUCTION**

18 I conducted a hearing on alleged violations of supervised release in this case on January 29,
19 2013. The defendant appeared pursuant to a summons issued in this case. The United States
20 was represented by Steven T. Masada, and defendant was represented by Lee A. Covell. Also
21 present was U.S. Probation Officer Leona Nguyen . The proceedings were digitally recorded.

22 **SENTENCE AND PRIOR ACTION**

23 Defendant was sentenced on October 28, 2005, by the Honorable Robert S. Lasnik for
Conspiracy to Commit Bank Fraud and Mail Fraud and Related Activity in Connection with
Access Devices, and Aggravated Identity Theft. He received 61 months of detention and 5 years
of supervised release.

Several previous violation reports have been submitted to the Court alleging use of illicit

1 substances and failing to successfully complete intervention services including substance abuse
2 treatment and residential reentry center placement. The Court has revoked supervision on two
3 prior occasions (March 30, 2012 and October 11, 2012) with the most recent term of supervision
4 commencing on December 21, 2012.

5 **PRESENTLY ALLEGED VIOLATIONS**

6 In a petition dated January 2, 2013, Senior U.S. Probation Officer Felix Calvillo, Jr. alleged
7 that defendant violated the following conditions of supervised release:

8 1. Using methamphetamine on or about December 24 and 25, 2012, in violation of
9 the general condition of supervision to refrain from unlawful use of a controlled substance and
10 standard condition #7.

11 **FINDINGS FOLLOWING EVIDENTIARY HEARING**

12 Defendant admitted the above violations, waived any hearing as to whether they occurred,
13 and was informed the matter would be set for a disposition hearing February 5, 2013 at 10:30
14 a.m. before District Judge Robert S. Lasnik.

15 **RECOMMENDED FINDINGS AND CONCLUSIONS**

16 Based upon the foregoing, I recommend the court find that defendant has violated the
17 conditions of his supervised release as alleged above, and conduct a disposition hearing.

18 DATED this 29th of January, 2013.

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BRIAN A. TSUCHIDA
22 United States Magistrate Judge
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